MACA UPDATE
FALL 2009

Northwest Territories Municipal and Community Affairs

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Introduction

Every fall, the Department of Municipal and Community Affairs (MACA) publishes and distributes the MACA Update to community governments. The purpose of the MACA Update is to provide community governments with an indication of the potential level of funding for the coming year. It is important to note that these funding projections are subject to approval by the Legislative Assembly.

The information contained in this document can be very useful for community governments, especially for those communities that are on a different fiscal calendar than the GNWT. MACA includes as much information as possible to assist community governments with their planning.

The MACA Update also includes information on funding projections, new and existing programs, services and initiatives, and information on MACA policies and legislation that have recently been changed or are currently under review.

I hope that you find this year's MACA Update useful. If you have questions about the information included in this document, please contact your Regional Superintendent.

Honourable Robert C. McLeod
Minister of Municipal and Community Affairs

Financial Projections and Information

MACA adheres to the provisions of the Community Government Funding Policy, an Executive Council policy, to allocate funding to community governments for operations and maintenance, water and sewer services, and community public infrastructure. Projected funding for community governments in 2010-2011 is not considered final until formal approval has been received by the Legislative Assembly. Funding in 2010-2011 will be allocated based on the following three Ministerial funding policies:

- The Operations and Maintenance Funding Policy proportionally allocates funding to community governments to assist with the operations and maintenance of community government programs and services. The Policy allocates funding to community governments on a formula basis that takes into consideration such factors as population and the type of community governance in place. Please refer to the Operations and Maintenance Funding Policy at www.maca.gov.nt.ca for full details of how community government allocations are determined.
- The Water and Sewer Services Funding Policy allocates funding based on a standard cost allocation model that is used to determine the fixed and variable operating costs based on the actual water and sewer systems that are operating in a community, makes an adjustment factoring in the actual fuels and power costs, and then provides an adjustment for the revenue that a community could receive towards the cost of operating their system(s). Please refer to the Water and Sewer Services Funding Policy at www.maca.gov.nt.ca for full details of how community government allocations are determined.
- The Community Public Infrastructure Funding Policy allocates funding on a formula basis to community governments. It includes a base amount equal to two percent of the total available funding for community public infrastructure, plus a formula allocation derived from the current replacement value of the community's infrastructure and community population. Please refer to the Community Public Infrastructure Funding Policy at www.maca.gov.nt.ca for full details of how community government allocations are determined.

In addition to the funding described above, MACA also annually provides community governments with funding to support other operating costs; refer to page 7 for projected 2010-2011 funding for the following purposes:

- Mobile Equipment – assists first nation communities and settlements with the purchase of mobile equipment.
- Utility Funding – assists first nation communities with the utility costs of the community public infrastructure in their community.
- Seniors/Disabled Property Tax Rebate – support for rebates to ratepayers who are senior citizens or disabled.

- Grants-in-Lieu of Property Taxes – provides a grant-in-lieu of property taxes for Government of the Northwest Territories properties located within cities, towns and villages.
- Property Tax Grant Program – provides a grant to non-tax-based communities equivalent to the amount of property taxes actually paid by residents in the past taxation year.

In addition to the above programs, MACA also administers the Gas Tax Agreement on behalf of the Government of Canada. This Agreement provides all communities with funding for environmentally sustainable municipal infrastructure as well as strengthening the ability of a community government to effectively manage their infrastructure. Please refer to the Gas Tax Agreement at www.maca.gov.nt.ca for additional information and details regarding the Gas Tax Agreement.

Operations and Maintenance Funding[1]

Community	Approved 2009-2010	Proposed 2010-2011	Proposed 2011-2012
Aklavik	1,377,000	1,472,000	1,472,000
Behchoko	1,673,000	1,791,000	1,791,000
Colville Lake	653,000	708,000	708,000
Deline	1,314,000	1,389,000	1,389,000
Dettah	436,000	481,000	481,000
Enterprise	709,000	748,000	748,000
Fort Good Hope	1,334,000	1,392,000	1,392,000
Fort Liard	1,125,000	1,183,000	1,183,000
Fort McPherson	1,359,000	1,466,000	1,466,000
Fort Providence	1,170,000	1,210,000	1,210,000
Fort Resolution	693,000	726,000	726,000
Fort Simpson	1,390,000	1,382,000	1,382,000
Fort Smith	1,540,000	1,631,000	1,631,000
Gameti	1,066,000	1,117,000	1,117,000
Hay River	1,939,000	2,113,000	2,113,000
Hay River Reserve	496,000	542,000	542,000
Inuvik	2,322,000	2,543,000	2,543,000
Jean Marie River	445,000	479,000	479,000
Kakisa	366,000	392,000	392,000
Lutselk'e	618,000	636,000	636,000
Nahanni Butte	488,000	517,000	517,000
Norman Wells	1,102,000	1,112,000	1,112,000
Paulatuk	1,458,000	1,520,000	1,520,000
Sachs Harbour	1,313,000	1,386,000	1,386,000
Trout Lake	463,000	510,000	510,000
Tsiigehtchic	1,249,000	1,334,000	1,334,000
Tuktoyaktuk	1,552,000	1,594,000	1,594,000
Tulita	1,458,000	1,567,000	1,567,000
Ulukhaktok	1,390,000	1,504,000	1,504,000
Wekweeti	896,000	947,000	947,000
Whati	1,360,000	1,425,000	1,425,000
Wrigley	536,000	517,000	517,000
Yellowknife	6,500,000	6,756,000	6,756,000
Total	**41,790,000**	**44,090,000**	**44,090,000**

Notes

(1) All funding is subject to the approval of the Legislative Assembly.

Water and Sewer Services Funding[1]

Community	Approved 2009-2010	Proposed 2010-2011	Proposed 2011-2012
Aklavik	541,000	540,020	540,020
Behchoko	788,200	880,053	880,053
Colville Lake	280,200	287,361	287,361
Deline	406,800	419,964	419,964
Dettah	201,500	200,885	200,885
Enterprise	155,200	155,672	155,672
Fort Good Hope	399,700	411,441	411,441
Fort Liard	530,500	536,401	536,401
Fort McPherson	710,700	766,687	766,687
Fort Providence	482,000	488,924	488,924
Fort Resolution	534,000	538,788	538,788
Fort Simpson	575,300	638,328	638,328
Fort Smith	257,400	258,277	258,277
Gameti	296,600	316,261	316,261
Hay River	466,300	432,267	432,267
Hay River Reserve	260,600	272,240	272,240
Inuvik	409,600	575,885	575,885
Jean Marie River	222,600	244,965	244,965
Kakisa	167,000	168,762	168,762
Lutselk'e	251,200	266,685	266,685
Nahanni Butte	205,100	228,821	228,821
Norman Wells	405,200	418,973	418,973
Paulatuk	293,100	309,866	309,866
Sachs Harbour	250,200	272,324	272,324
Trout Lake	245,500	259,454	259,454
Tsiigehtchic	296,400	354,239	354,239
Tuktoyaktuk	327,600	340,032	340,032
Tulita	504,500	523,215	523,215
Ulukhaktok	271,400	283,650	283,650
Wekweeti	244,400	257,093	257,093
Whati	500,100	518,393	518,393
Wrigley	176,100	197,001	197,001
Yellowknife	-	-	-
Total	**11,656,000**	**12,362,927**	**12,362,927**

Notes

(1) All funding is subject to the approval of the Legislative Assembly.

Community Public Infrastructure Funding[1]

Community	Approved 2009-2010	Proposed 2010-2011	Proposed 2011-2012
Aklavik	823,093	823,000	823,000
Behchoko	1,035,805	1,036,000	1,036,000
Colville Lake	674,624	675,000	675,000
Deline	809,068	809,000	809,000
Dettah	708,393	708,000	708,000
Enterprise	646,464	646,000	646,000
Fort Good Hope	804,560	805,000	805,000
Fort Liard	815,127	815,000	815,000
Fort McPherson	863,578	864,000	864,000
Fort Providence	865,955	866,000	866,000
Fort Resolution	799,006	799,000	799,000
Fort Simpson	943,352	943,000	943,000
Fort Smith	1,114,077	1,114,000	1,114,000
Gameti	735,297	735,000	735,000
Hay River	1,259,639	1,260,000	1,260,000
Hay River Reserve	735,615	736,000	736,000
Inuvik	1,230,930	1,231,000	1,231,000
Jean Marie River	640,462	640,000	640,000
Kakisa	619,517	620,000	620,000
Lutselk'e	767,732	768,000	768,000
Nahanni Butte	664,644	665,000	665,000
Norman Wells	868,512	869,000	869,000
Paulatuk	740,013	740,000	740,000
Sachs Harbour	667,576	668,000	668,000
Trout Lake	646,464	646,000	646,000
Tsiigehtchic	695,833	696,000	696,000
Tuktoyaktuk	898,986	899,000	899,000
Tulita	788,820	789,000	789,000
Ulukhaktok	771,552	772,000	772,000
Wekweeti	675,081	675,000	675,000
Whati	787,805	788,000	788,000
Wrigley	692,232	692,000	692,000
Yellowknife	2,210,190	2,210,000	2,210,000
Total	**28,000,000**	**28,002,000**	**28,002,000**

Notes

(1) All funding is subject to the approval of the Legislative Assembly.

Proposed 2010-2011 "Other" Community Government Funding[1]

Community	Seniors/Disabled Rebate [2]	Grant-in-Lieu[2]	Property Tax Grant Program[3]	Mobile Equipment	Utility Funding
Aklavik	-	-	23,728	-	-
Behchoko	-	-	62,399	-	-
Colville Lake	-	-	-	6,000	189,787
Deline	-	-	17,220	-	-
Dettah	-	-	900	8,000	64,870
Enterprise	-	-	13,943	-	-
Fort Good Hope	-	-	16,353	-	-
Fort Liard	-	-	19,074	-	-
Fort McPherson	-	-	46,612	-	-
Fort Providence	-	-	31,938	-	-
Fort Resolution	-	-	24,065	27,000	-
Fort Simpson	19,076	230,493	-	-	-
Fort Smith	72,116	516,571	-	-	-
Gameti	-	-	-	-	-
Hay River	93,516	458,091	-	-	-
Hay River Reserve	-	-	-	47,000	43,741
Inuvik	39,476	939,550	-	-	-
Jean Marie River	-	-	-	34,000	119,953
Kakisa	-	-	-	27,000	32,803
Lutselk'e	-	-	3,062	42,000	104,240
Nahanni Butte	-	-	-	36,000	138,640
Norman Wells	6,836	53,329	-	-	-
Paulatuk	-	-	5,037	-	-
Sachs Harbour	-	-	6,510	-	-
Trout Lake	-	-	-	45,000	22,148
Tsiigehtchic	-	-	12,048	-	-
Tuktoyaktuk	-	-	74,403	-	-
Tulita	-	-	23,022	-	-
Ulukhaktok	-	-	18,104	-	-
Wekweeti	-	-	-	-	-
Whati	-	-	11,583	-	-
Wrigley	-	-	-	29,000	149,817
Yellowknife	175,980	2,836,967	-	-	-
Total	**407,000**	**5,035,000**	**410,000**	**301,000**	**866,000**

Notes

(1) All funding is subject to the approval of the Legislative Assembly.

(2) Budgeted amount; actual amounts will be invoiced from the eligible community governments.

(3) Budgeted amount based on historic experience; actual amounts provided in 2010-11 may be different depending on property tax payment activity of community residents.

Gas Tax Agreement Funding[1]

Community	Approved 2009-2010	Proposed 2010-2011	Proposed 2011-2012
Aklavik	291,197	291,197	291,197
Behchoko	581,551	581,551	581,551
Colville Lake	177,261	177,261	177,261
Deline	277,185	277,185	277,185
Dettah	196,327	196,327	196,327
Enterprise	164,627	164,627	164,627
Fort Good Hope	272,820	272,820	272,820
Fort Liard	283,157	283,157	283,157
Fort McPherson	335,302	335,302	335,302
Fort Providence	338,058	338,058	338,058
Fort Resolution	267,537	267,537	267,537
Fort Simpson	437,752	437,752	437,752
Fort Smith	723,742	723,742	723,742
Gameti	214,474	214,474	214,474
Hay River	1,036,607	1,036,607	1,036,607
Hay River Reserve	214,704	214,704	214,704
Inuvik	969,991	969,991	969,991
Jean Marie River	162,330	162,330	162,330
Kakisa	157,736	157,736	157,736
Lutselk'e	239,742	239,742	239,742
Nahanni Butte	172,437	172,437	172,437
Norman Wells	341,044	341,044	341,044
Paulatuk	217,920	217,920	217,920
Sachs Harbour	173,815	173,815	173,815
Trout Lake	164,627	164,627	164,627
Tsiigehtchic	188,746	188,746	188,746
Tuktoyaktuk	378,256	378,256	378,256
Tulita	258,119	258,119	258,119
Ulukhaktok	242,958	242,958	242,958
Wekweeti	177,491	177,491	177,491
Whati	257,200	257,200	257,200
Wrigley	186,679	186,679	186,679
Yellowknife	4,523,608	4,523,608	4,523,608
Total	**14,625,000**	**14,625,000**	**14,625,000**

Notes

(1) The Gas Tax Agreement between Canada and the Government of the Northwest Territories contains specific reporting and accountability provisions that must be fulfilled by community governments prior to funding being provided. Please refer to the Gas Tax information located on MACA's website at www.maca.gov.nt.ca

New Programs, Services and Initiatives

Public Safety Division

MACA is implementing a minor reorganization at Headquarters to better integrate and coordinate MACA's activities related to public safety. Emergency management, search and rescue support, fire protection including the Office of the Fire Marshal and consumer affairs (including real estate) are being integrated into a new Public Safety Division. The reorganization will consolidate delivery of critical departmental public safety and regulatory programming into one stand-alone division, which should improve service delivery to the public, community governments and other stakeholders, and streamline operations.

During the reorganization, operations will not be interrupted and business continuity will remain. Headquarters staff currently performing public safety functions have been advised of the reorganization and will continue to perform these functions throughout the transition. There is no change in the number of staff performing public safety functions and there is no impact on regional operations. Regional Superintendents will continue to be the main points of contact in MACA's regional offices for any community or regional emergency, with Assistant Fire Marshals continuing to provide back-up expertise and support.

Recruitment for the Director position is anticipated to start in October or November, with the new Division established by the New Year.

H1N1 Preparedness Planning

Both the Government of the Northwest Territories and community governments are preparing in the event that H1N1 impacts the provision of essential programs and services to residents in the Northwest Territories. Under the *Civil Emergency Measures Act*, MACA is the lead department for coordinating overall territorial response to an emergency or the imminent threat of an emergency.

Through the Territorial Emergency Response Committee (TERC), MACA continues to work with other departments, governments and agencies to identify their essential services, coordinate effectively and prepare contingency plans on how best to mitigate potential gaps in service delivery if affected by a H1N1 outbreak.

MACA Regional Superintendents are supporting community governments in identifying local essential services, the resources required to deliver these services, and gaps in capacity that may arise with a H1N1 outbreak, in order to create responsive contingency plans.

Common essential municipal services identified by MACA and communities as potentially affected by a H1N1 outbreak include:

- Water delivery/distribution system;
- Water treatment plant;

- Sewage pump-out/piped system;
- Sewage treatment facility;
- Garbage collection;
- Fire protection;
- By-law enforcement; and
- The continuity of government (Mayor/Chief, Council, Senior Administrator Officer/Band Manager).

Common essential services identified for communities include:

- Power generation plant;
- Fuel storage and supply;
- Health centre or hospital;
- Long term case facilities;
- Correctional facilities;
- Airport;
- RCMP detachment;
- Groceries/dry goods;
- Schools; and
- Telecommunications.

Public Service Capacity

Recruitment and retention of key administrative staff is difficult for many jurisdictions, and is more challenging in the NWT due to geographic isolation, cultural differences, high cost of living, competition for workers with other industries in a small labour market, and low/no access to professional services (financial, technical, mechanical, etc.). Innovative solutions such as on-line resources, template documents, modular/distance education opportunities, etc. are required.

A Working Group comprised of representatives from MACA, the Department of Human Resources, and the Executive Directors of the Northwest Territories Association of Communities and the Local Government Administrators of the Northwest Territories are working on the design of a series of programs to enhance public service capacity, with specific focus on the recruitment and retention of local government administrators.

The working group takes direction from a Steering Committee comprised of the Deputy Ministers of MACA and the Department of Human Resources, and the Presidents of the Local Government Administrators of the Northwest Territories and the Northwest Territories Association of Communities.

Community capacity is an ongoing issue. Initiatives to build capacity need to be long-term in nature, with results not apparent for several months, or years. Programs put in place to support community capacity need to be sustainable, long-term, and adequately resourced.

Public service capacity initiatives will only succeed if there is widespread support. The intent is to work with communities to develop the tools and supports they need to build community capacity.

The program was announced in the October/November 2009 session of the Legislative Assembly by the Ministers of MACA and the Department of Human Resources.

Vancouver 2010 Olympic and Paralympic Winter Games

The 2010 Olympic and Paralympic Winter Games in Vancouver and Whistler present a significant opportunity for the development of young northern leaders and enormous promotion and showcasing opportunities for the Northwest Territories.

MACA is working on a series of initiatives to support the Northwest Territories participation in the event. YouthAmbassadors, Dene and Inuit Games athletes, torch relay carriers and skilled sport volunteers from across the territory will make us all proud and support a future legacy of positive leadership development and pride in our communities. The initiatives MACA is working on are as follows:

- Youth Ambassadors Program - Modeled on the successful Youth Ambassadors Program that was part of the 2007 Canada Winter and 2008 Arctic Winter and North American Indigenous Games, a similar program is in place for the 2010 Olympic and Paralympic Winter Games. Representative youth from across the NWT will assist the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games as volunteers and act as NWT ambassadors.
- Inuit and Dene Games Demonstrations - Dene and Inuit Games demonstrations events will be held during the Cultural Olympiad, Four Host First Nations and other programming at the 2010 Olympics and Paralympic Winter Games. This is a Pan Territorial project, with representatives from all three territories.
- Torch Relays (carriers) - The Olympic Winter Games torch relay will travel through the Northwest Territories in November 2009, and will visit Inuvik, Yellowknife, Dettah and N'dilo as part of the torch relay route. There are five torch relay carriers from the Northwest Territories; the selections came from youth who have previously been associated with the Youth Ambassadors Program.
- Skilled Sports Volunteers - To assist with sport development, MACA is supporting the participation of territorial sport volunteers as skilled sport volunteers. Support is provided to a maximum of 15 Northwest Territories residents who satisfy the Vancouver Olympic Committee's requirements for skilled sports volunteers.
- Contributing Province/Territory Rights and Benefits Program - The NWT, along with the Yukon and Nunavut, entered into a "Contributing Province/Territory Rights and Benefits" Program with the Vancouver Organizing Committee. Under the program the NWT has received permission for use of special Olympic and Paralympic marks for program promotion and sponsorship purposes, recognition as a contributing partner to the 2010 Winter Games, accreditation and hospitality program access for official representatives at the Games, five torch relay bearer spots, promotional opportunities and priority access to certain Games tickets.

Major Multisport Games Program

MACA, in consultation with the NWT Sport and Recreation Partners Council, commissioned a review of the NWT Multisport Games program. The purpose of commissioning the review was to:

- Provide a basis for assessing the appropriate level of investment in multisport games;
- Assist in quantifying what results can be achieved as a result of the investment level; and
- Provide recommendations on a more effective and efficient approach to multisport games participation and delivery.

The final report was released in March 2009. It included:

- A summary of the benefits of participation in multisport games;
- Recommendations on team selection processes; and
- Games governance and related management options.

Team NWT participation in major games events support the Government of the Northwest Territories goals related to youth development, healthy lifestyle choices, community and economic development (when events are hosted in the Northwest Territories) and related goals in the cultural, educational and justice areas.

Starting in 2009-2010, MACA will have a permanent budget of $650,000 annually to provide for Team NWT participation in four major events: Arctic Winter Games, Western Canada Summer Games; North American Indigenous Games; and Canada Games. The Department will also continue to work with the NWT Sport and Recreation Council to update and improve management of all Games' teams.

It is anticipated that the establishment of stable, ongoing budget will assist all partners to prepare for participation in large sporting events. It is also anticipated that the provision of ongoing, dedicated funding support for participation in multisport games will result in positive outcomes, given the health and social benefits and popularity of these events.

Community Recreation Leaders Certificate Program

The funding and program delivery responsibility for the Recreation Leaders Program was transferred from the Department of Education, Culture and Employment to MACA, effective April 1, 2009 to provide for the continuation of a training program through MACA's School of Community Government.

While the number of students interested in attending the two-year RLP has declined, community government and other employer needs for staff in this area has increased. All community governments offer local recreation programs to residents.

The Program will include ten courses of five to seven days in length and a fieldwork component. Four courses will be delivered in 2009-2010 and six will be delivered in 2010-2011. Courses will be offered in communities and regional centres. The first course, "Northern Recreation Leadership" was held September 14 to 19 in Norman Wells. Other courses planned are:

- Recreation Programs and Planning, November 16 to 20, 2009 Inuvik
- Volunteer Development, January 18 to 22, 2010 Fort Smith
- Computer and Business Communications, February 8 to 12, 2010 Fort Simpson

The Program was developed by a Program Advisory Committee made up of partners within the sport and recreation system including the NWT Parks and Recreation Association, the Local Government Administrators of the Northwest Territories, Aboriginal Sports Circle of the NWT, and the NWT Sport and Recreation Council.

The learning model used by the School provides for applied learning by students through a series of courses to attain a prescribed level of competency or occupational certification. Students continue to work and live at home, attending learning modules until full course completion over a period of two years.

Courses have been designed and will be delivered to reflect our northern and Aboriginal environment. Course content will be in the context of what is relevant and practical for northern and Aboriginal communities.

Discussions have been initiated to explore the potential for accreditation agreements with recognized institutions including the University of Alberta and the College of the Rockies that could potentially have students completing the program and also receiving transfer credit for this by a Recreation, Sports and Leisure Degree, Diploma or Certificate Program.

Updates to Existing Programs, Services and Initiatives

Building Canada Plan

In February 2008, the Government of the Northwest Territories and Canada signed a Framework Agreement for the Building Canada Plan. This Framework Agreement outlined a commitment of $185.5 million over a seven year period for infrastructure funding to the Northwest Territories. Of this amount, $45.5 million is committed to municipal community public infrastructure.

In preparation for the spring 2009 budget, Federal Ministers consulted with their provincial and territorial counterparts regarding the acceleration of the Building Canada Plan funding as a mechanism to stabilize and jump start the economy out of its current fiscal situation. MACA worked with its infrastructure department counterparts including the Department of Public Works and Services, and the Department of Transportation to prepare information for consideration during the consultations on how Building Canada Plan funds could be accelerated for the Northwest Territories.

After consultation with the Northwest Territories Association of Communities and Members of the Legislative Assembly, the Government of the Northwest Territories signed an amended Funding Agreement in July 2009 that facilitates the acceleration of the Building Canada Plan funding.

All projects must fit within the eligible categories as defined in the Building Canada Fund Agreement, and must be cost-shared on a 75 percent (Building Canada Plan) and 25 percent (community government) basis.

MACA has worked with community governments to identify eligible projects, and has received approval from Canada for several of these projects. Where a community government has not yet identified its project(s), MACA continues to work with those community governments to ensure that all communities can benefit from assessing funding available under the Building Canada Plan.

Infrastructure Stimulus Fund

The Infrastructure Stimulus Fund is a short term funding opportunity made available by the Government of Canada, in order to assist in stimulating the economy.

The Government of the Northwest Territories and Canada signed the Infrastructure Stimulus Funding Agreement and three associated schedules in June and July of 2009. Of the total funding available to the Government of the Northwest Territories, $2.4 million is allocated to community government projects.

The Government of the Northwest Territories was first provided with information on the program parameters in March 2009, with a request for a response within a very short time frame. As a result of the short timelines, a short call out to communities for interest was felt to be appropriate.

MACA issued a memo and one page application form that outlined the criteria for the program with a deadline of March 20, 2009.

The Northwest Territories Association of Communities was advised of the call and the short term process that needed to take place so that community governments could benefit from the available funding as a result. The Northwest Territories Association of Communities agreed that under the circumstances, this was appropriate. MACA also consulted with the Northwest Territories Association of Communities on a screening framework to prioritize projects.

Eligible categories for this Program are similar to the Building Canada Plan and include water; wastewater; solid waste; local roads; disaster mitigation; sports and culture infrastructure; public transit; and green energy.

In addition to meeting the above criteria, eligible projects had to be "shovel ready" and construction had to be accelerated so that projects would be complete by March 2011. Eligible projects also had to be incremental. Since the intent of the program is stimulus, priority was given to projects that would not originally have been intended to be completed within the two year timeframe.

Seven community government projects have been approved in the Northwest Territories by Canada for funding to date, and all funding will flow to community governments in 2009-2010. These projects are cost-shared on a 50/50 basis, with 50 percent available from the Infrastructure Stimulus Funding and the remaining 50 percent coming from the community government.

Gas Tax Agreement

The Gas Tax Agreement signed in November 2005 provided $37.5 million over the five fiscal year period of 2005-2006 to 2009-2010 to communities in the Northwest Territories.

The Government of the Northwest Territories signed an Extension Agreement for the Gas Tax in late March 2009, which will flow an additional $60 million ($15 million per year) for the period from 2010-2011 to 2013-2014. Canada has indicated that post 2014 they intend to make the Gas Tax program permanent but the details on how this will be achieved are not yet known.

Communities in the Northwest Territories have welcomed the federal funding that is provided under the Agreement, and have advised MACA that the program design of the Agreement is relatively easy to understand and to report on. There are issues emerging, however, related to the reporting requirements under the Agreement, and community government compliance with these requirements.

Under the agreement, MACA transfers a community's allocation in two parts with payments occurring in July and November. Funds are withheld if a community does not provide their Audited Financial Statements or provide individual Annual Expenditure Reports, which show how they have used their funding.

Additionally, funds can be withheld if a community uses their funding on an ineligible project or fails to keep separate and accurate accounting records of their fund.

To date, twenty-eight communities are considered compliant under their funding agreements with MACA. Due to delays from some community governments in not submitting their 2008-2009 annual audited financial statements by June 30, 2009, four communities are currently considered non-compliant. One other community is considered non-compliant due to their use of Gas Tax funding on ineligible expenses.

Of the twenty-eight communities, eight are designated authority communities that do not have the legal authority to own real property under the *Indian Act*. MACA has been in consultation with these communities for some time and most of these communities are in the process of creating not-for-profit societies under the *Societies Act*. This interim society would be governed by the elected officials of the community government and act as a legal owner of the infrastructure. Once a community has created a society and MACA has accepted its bylaws, MACA will begin transferring Gas Tax funds. Funding has already flowed to the Yellowknives Dene First Nation (Dettah) and the K'atlodeeche First Nation (Hay River Reserve). Two settlement communities are in the process of changing their legislative status and, once this change has occurred, will receive Gas Tax funds.

To help ensure community governments remain compliant with the Gas Tax Agreement, MACA is moving towards quarterly reporting. Every three months community governments will be required to complete community expenditure reports detailing program activity.

In the event that a community government cannot comply with the requirement for an annual audit by the deadline, MACA can use the final community expenditure report along with actual invoices and bank statements to fulfill reporting requirements. These new measures should ensure a greater level of sustained compliance with the Gas Tax Agreement by community governments and MACA.

Volunteer Support Initiative

In 2005, the Government of the Northwest Territories recognized the important role that volunteers play in developing northern society by announcing the Volunteer Declaration and Volunteer Support Initiative (VSI).

The associated action plan outlined the steps that the Government of the Northwest Territories would take to promote and support volunteerism in the Northwest Territories. Although no new resources were identified to support the initiative, modest success was achieved in improved volunteer recognition programs and several youth volunteer development initiatives.

In March 2009, MACA invited representatives of the volunteer sector to a Summit to discuss the coordination and management of volunteers; volunteer recruitment; the next generation of volunteers; volunteer training; and volunteer recognition.

The results of the Summit are being used to revise the current VSI and update the action plan which will identify programs intended to:

- improve training opportunities for volunteers, with a particular emphasis on community capacity building;
- promote the social and health benefits of volunteering to all residents;
- engage NWT youth as new volunteers; and
- support the development of resources to complement these activities.

A report summarizing the results of the Volunteer Summit was released during the October/November 2009 session of the Legislative Assembly. MACA is currently working to update the VSI; the revised VSI declaration and action plan will be released for consultation in the fall/winter of 2009.

Designated Authorities and Capital Formula Funding

MACA is continuing to work with the eight communities in the Northwest Territories that are governed solely by First Nations, incorporated under the *Indian Act*, on options to transfer authority for, and control over, community public infrastructure to the community government. There are some challenges in implementing these new authorities with First Nations governments due to limitations set out in the *Indian Act*, specifically related to the ability of First Nations to own real property.

Together, MACA and the eight First Nations have reached a solution whereby the community establishes a society under the *Society's Act*. The object of the "Society" is to hold tenure and administer property for the benefit of all the residents in the community. The societies are not-for-profit and have no employees, and membership of the society consists of the Chief and Council.

To date, four of the eight First Nations have established an interim corporation. These First Nations communities now have the ability to acquire and administer land, own and build new community public infrastructure, and assume full responsibility for the existing community public infrastructure in place in their community.

MACA continues to work with the other four First Nations communities on the process to establish the interim corporations under the *Societies Act*.

Public Sector Accounting Board (PSAB) Implementation Status

Recent changes from the Public Sector Accounting Board (PSAB) will become effective on December 31, 2009 for tax-based communities and March 31, 2010, for non tax-based communities.

The new standards require local governments to record capital assets on their balance sheet and require changes to the format and presentation of audited financial information. MACA is updating the Minister's Guidelines for financial reporting to reflect these changes, and is working with community governments and their auditors to ensure a smooth transition.

MACA has compiled the list of capital assets in each community, and is working with each community to ensure that the list is complete and accurate, and to work on a final implementation plan. Currently, 90 percent of asset listings are compiled and are in the process of being confirmed by MACA and community government administration.

Youth Development Strategy

MACA has made great progress in youth development through programs such as Northern Youth Abroad, the Inuvialuit Outward Bound Program, and Youth Ambassadors. However, it has become evident that many youth are still not accessing programs due to a lack of resources to make them available in more communities.

MACA has developed a draft Youth Development Strategy, which includes the following activities:

- An expansion of support for youth development projects through the NWT Youth Corps and Youth Contributions programs;
- Increased funding support for community youth centres;
- An expansion of youth role model tours across all regions;
- Inclusion of youth leaders to act as role models with youth tours and other events; and
- Youth conferences focusing on healthy choices.

Many of the above elements are in place. For example, increased funding made available in 2009-2010 has provided for the expansion of support for Youth Corps and Youth Contributions programs, and for Youth Centres.

MACA intends to undertake extensive consultation on other elements of the draft Youth Strategy over winter 2010, with a formal release of the final Strategy expected spring 2010.

Policy and Legislation

Community Planning and Development Act

In 2005, MACA began a review of the *Planning Act* in order to address a number of issues with the *Act*, including the prescriptive nature of the legislation and the need for its provisions to be brought more in line with the planning legislation of other jurisdictions. MACA prepared and distributed a discussion paper and received comments from community governments, residents and other stakeholders.

Based on information received during the consultation process, MACA moved forward with legislative changes to undertake a complete overhaul of the *Act*. MACA will revoke the existing *Planning Act* and replace it with new, updated legislation.

It is anticipated that the new legislation will be ready for introduction in the winter of 2010. Features of the new legislation include:

- In general terms, the removal of the requirement that the Minister approve all planning bylaws, including zoning and other types of planning bylaws. The Minister will retain approval for "community" (general) plans;
- There will be a hierarchy of provisions, setting out requirements for planning bylaws, and then discretionary provisions, so that community governments can easily understand their options for enacting and enforcing zoning and associated bylaws;
- Community governments will be able to choose who will act as the development authority, but if municipal council is the development authority, council members will be prohibited from participating in appeals of those decisions;
- There will be a greater range of development tools available for community governments, including creating area development plans, more sophisticated zoning bylaws, and requirements for development permits, the designation of direct control zones, including direct control zones for municipal purposes, and a wide range of other planning tools; and
- There will be a new fine structure with daily maximum fines, and additional fines per day for every day thereafter, as well as the ability of community governments to obtain Court orders that the persons convicted of an offence pay the costs of the municipality.

MACA will develop and distribute information material for community governments, once the enactment date of the new legislation is confirmed.

Local Authorities Election Act

MACA issued a public Discussion Paper in December of 2008 regarding the *Local Authorities Elections Act*; the Discussion Paper was prepared by a working group consisting of representatives from the Northwest Territories Association of Communities, the Local Government Administrators of the Northwest Territories, and MACA.

Based on feedback received from the Discussion Paper, MACA is moving forward with the development of legislative amendments with the intention of introducing a bill in the summer 2010 session. Among other issues, potential legislative amendments include:

- Reducing the campaign periods to better reflect the campaign periods in other types of elections;
- Encouraging voter participation by increasing the availability of voting opportunities and allowing for alternate voting methods;
- Providing increased authority to the Chief Municipal Electoral Officer to provide direction to election officials during the election process and to have the authority to postpone and re-schedule an election if there are election irregularities; and
- Providing councils with alternate provisions to break ties.

Commissioner's Land Act

In 2009, MACA made the following minor amendments to the *Commissioner's Land Act*:

- Commissioner's lands are now exempt from application of the *Residential Tenancies Act*;
- Section 5 of the *Act*, dealing with trespass, was amended to enable an authorized agent of the Commissioner to form the opinion that a person is trespassing on Commissioner's land; and
- The Commissioner is now excluded from liability for injuries or death when activities take place on Commissioner's land without the written permission of the local Land Agent.

MACA is in the process of making another amendment, to require the posting of performance security on commercial and industrial leases, and to provide the Commissioner with the authority to make regulations on the recommendation of the Minister for the posting of security for industrial and commercial leases. It is anticipated that this amendment will be made by the end of 2009.

Fire Prevention Act

MACA is forming a working group with representatives from the Northwest Territories Association of Communities, the Local Government Administrators of the Northwest Territories, the Northwest Territories Association of Fire Chiefs, the Workers' Safety and Compensation Commission, the Northwest Territories Association of Professional Engineers and Geologists, and the Northwest Territories Architects Association to review the *Fire Prevention Act* and to recommend changes.

The *Act* was created in the 1970s, and there have been no substantive amendments since that time. The *Act* needs to be updated in a number of respects, including amendments necessary to reflect modern administrative law procedures for regulatory agencies. Some of the potential amendments include:

- Enabling the issuance of stop work orders and orders to utility companies to disconnect electrical and fuel services, similar to provisions in other safety statutes;
- Increasing the maximum fines, for consistency with other Northwest Territories' regulatory legislation; and
- Creating the ability for new regulatory-making authority for inspections for facilities that have special vulnerability to fire, such as places of public assembly, hospitals, schools, and care facilities.

Dog Act

There have been several incidents in recent years involving allegations of cruelty to dogs. These incidents were widely publicized, and focused attention on the provisions in the *Dog Act* and on the fact that the Northwest Territories has no legislation in place that specifically addresses the broader issue of animal welfare. The Northwest Territories and Nunavut are the only jurisdictions in Canada without such legislation. The *Dog Act* is applicable to dogs only, and was originally enacted to protect people from dogs, rather than providing protection to dogs from abuse and neglect.

The Government of Canada and the Government of the Northwest Territories both have legislation intended to prevent cruelty to dogs. Neither is effective: the Criminal Code requires the Crown to prove that the person intended to cause harm, and that standard is very hard to meet; the standards in the *Dog Act* are vague, with extremely low fines.

Some communities in the Northwest Territories have bylaws in place regulating the care and control of dogs. Enforcement officers have the authority to investigate complaints relating to the well-being of animals and the discretion to lay charges if warranted.

MACA issued a discussion paper on potential amendments to the *Dog Act* in May 2009 and is currently reviewing the responses. MACA will be proposing amendments to the *Dog Act* to improve its utility as a deterrent to the cruel treatment of dogs.

Texas Hold'Em Poker

Authority to licence and regulate lottery games in the Northwest Territories is derived from the *Lotteries Act* and Regulations. Under the *Act*, the Government of the Northwest Territories can regulate bingos, pull tickets, raffles (including sports draft raffles) and charitable casinos limited to two types of wheel games and blackjack.

Thirteen community governments have been delegated authority to licence and regulate events within their community boundaries. This delegation involves the creation of a regulation under the *Act*, which delegates' authority to the community government in this area, and the community establishing a bylaw for this activity.

There is currently no authority in the Lotteries Regulations for the Government of the Northwest Territories to license Texas Hold'em Poker Tournaments, however, a number of community governments and individuals have requested the ability to license this activity.

To respond to these requests, MACA is revising the Lotteries Regulations to allow for Texas Hold'em Poker Tournaments under established Terms and Conditions. It is anticipated that the amendments may be finished by spring 2010.

MACA has prepared draft Terms and Conditions for Texas Hold'em Poker Tournaments. Correspondence was sent to delegated community governments seeking comment on the proposed Terms and Conditions which were developed based on existing lottery schemes for Texas Hold'em Poker Tournaments from Manitoba, Saskatchewan and British Columbia.

MACA has also consulted with the Alberta Gaming and Liquor Commission who have provided comments on the draft Terms and Conditions for Texas Hold'em Poker Tournaments as well as providing advice in terms of training needs, monitoring and compliance requirements.

The draft Terms and Conditions for Texas Hold'em Poker Tournaments include the following:

- Event requirements and rules of play;
- Volunteer staffing requirements;
- Ticket requirements;
- Playing cards and chip requirements;
- Prizes;
- Facility requirements;
- Table and Cashier station requirements;
- Allowable poker expenses;
- Volunteer out-of-pocket expenses;
- Donation expenses;
- Specific financial and audit requirements related to these types of events;
- Public complaint process;
- Detailed job duties and requirements for a Tournament Director and Dealers;
- Detailed rules on how to play Texas Hold'Em Poker including blind structures and seating, dealing and betting procedures;
- General rules of play including poker etiquette and a code of conduct for participants; and
- Instructions for establishing house policies and tournament rules of play.

Prior to the new Regulations taking effect, MACA will consult with community governments to allow communities with delegated lottery authority, to undertake the licensing of this type of lottery scheme.

Operations and Maintenance Funding Policy

There have been significant changes experienced by community governments since the Operations and Maintenance (O&M) funding policy was first put in place in 2001:

- The legislative framework has changed to provide most community governments with enhanced accountabilities and authorities. In addition, it is anticipated that there will no longer be a need for the *Settlements Act* once the remaining settlements in the Northwest Territories change their legislative status to a hamlet or a charter community;
- Many Designated Authorities, who do not fall under territorial legislation, are in the process of establishing interim corporations to own the community public infrastructure in place within the community and to take full advance of federal and territorial capital funding programs;
- Most community governments are now responsible for all aspects of community public infrastructure, with the Government of the Northwest Territories no longer owning or maintaining much of the infrastructure used for municipal purposes. MACA continues to work with community governments to transfer Commissioner's Land on which community public infrastructure is located, so that the community government is the legal owner; and
- A significant amount of funding for community public infrastructure is available to communities through the territorial government (capital formula funding) and the federal government (Building Canada Plan, Infrastructure Stimulus Fund, Gas Tax Agreement).

While community governments have welcomed the above changes, many have raised questions about the impact these changes have had on the factors used to calculate funding allocations. Are the factors still relevant in today's context? Are there factors that should be added, deleted or modified? How is the impact of new capital funding on O&M costs being captured by the formula?

In response to the issues raised by community governments, MACA has started a review of the formula used to provide O&M funding to all community governments. MACA intends to consult with the Northwest Territories Association of Communities and with community governments on any proposed changes to the O&M funding formula.

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